



Sales Tax Guidelines

Sales, Installation and Repair of Tangible Personal Property Affixed to Real Property



Utah State Tax Commission

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Sales Tax General Information

Sales tax is a tax on the rental or retail sale of tangible personal property sold, admissions and users fees, and certain services performed within Utah. The sales tax is collected from the purchaser and it is remitted by the vendor (or seller) to the Utah State Tax Commission ("Tax Commission") on monthly, quarterly or annual tax returns.

Use tax is a tax imposed on taxable property delivered into this state for use, storage or consumption here, and on purchases of taxable services performed in this state. The sales and use taxes supplement one another, but both cannot be charged on the same transaction. The rate of tax is generally the same. For purposes of this booklet, the term "sales tax" includes use tax where applicable.

Tax Rate

The sales tax rate is based on the place of business in Utah from which the merchandise or service is sold (point of sale). The current statewide sales tax rate is combined with any additional local sales taxes imposed by cities and counties. Therefore, the sales tax rate may vary from one community to the next. Contact the Tax Commission for information about the sales tax rate that applies to your taxable transactions.

Sales Tax License

All vendors who are required to collect sales tax must have a sales and use tax license. Applications for sales and use tax licenses (form TC-69) are available from the Tax Commission.

Once a license has been issued, preprinted personalized returns will be mailed approximately four weeks before the return is due. However, if returns are not received, the vendor is responsible for obtaining blank return forms and filing by the due date, even if no tax is due for the period.

Tax licenses are not transferable.

Filing Requirements

Filing periods are determined by the Tax Commission. If sales tax liability is less than \$1,000 per year, tax returns may be filed annually. If sales tax liability is up to \$50,000 per

year, tax returns may be filed quarterly. If sales tax liability is \$50,000 or more per year, returns must be filed monthly. If sales tax liability is \$96,000 or more per year, tax returns must be filed monthly and payments must be remitted by Electronic Funds Transfer (EFT). The EFT must be completed before 3:00 p.m. on the last day of the month following the month of the sales. Returns are due on the last day of the month following the end of the filing period.

A tax return must be filed whether or not tax is due for a particular period. Tax records are subject to audit by a Tax Commission representative.

Persons other than state entities who file monthly are entitled to a **vendor discount** equal to 1.5 percent of the state tax, 1 percent of the local tax, and 1 percent of the mass transit or highway taxes.

Penalties

The penalty for **failure to file a tax due return** by the due date is the greater of \$20 or 10 percent of the unpaid tax. Additionally, a second penalty, the greater of \$20 or 10 percent of the tax balance will be charged if a tax balance remains unpaid 90 days after the due date. The penalty for **failure to pay timely** as reported on a timely filed return is the greater of \$20 or 10 percent of the tax due.

If returns are filed late or if taxes are not paid in full when due, the vendor discount described above will not apply.

Who Must Pay or Collect Sales Tax?

With regard to items sold and affixed to other property, three types of transactions are potentially taxable:

- the **sale** of the item itself,
- charges to **install** the item, and
- charges to **repair, renovate, wash or clean** an item, once installed.

Each transaction is treated separately.

Sale of Item

See Utah Administrative Rules R865-19S-58 and R865-19S-60.

The sale of items of tangible personal property is taxable unless some exemption applies. If the item is converted to real property upon installation, the last person to own it before conversion is liable for the sales tax. As a general rule, construction materials and fixtures are considered "converted to real property" when they are used in the construction of buildings or improvements on real property. Construction materials are bricks, lumber, nails, cement and other items that typically lose their separate identity as personal property once incorporated into real property. Fixtures are items of tangible personal property such as furnaces, built-in air conditioning systems, built-in appliances, sinks and tubs. Although these items do not lose their separate identity upon installation, they become an integral, and perhaps necessary, part of the real property improvement.

Items Converted to Real Property

A vendor who sells items of tangible personal property to the final consumer must collect sales tax on the sale, but vendors may be confused about *who* the final consumer is when the item will be converted to real property.

A **furnish and install contract** is a contract under which a vendor not only sells tangible personal property to a purchaser, but in addition, installs or arranges the installation of that tangible personal property to real property. Under a furnish and install contract, the vendor converts the tangible personal property into real property and, as such becomes a real property contractor. The contractor is the last person to own the materials as personal property, whether the property is installed by the contractor or someone working on the contractor's behalf. The contractor is responsible for paying sales tax on his purchase of the materials from the supplier. Accordingly, the transaction between the contractor and the ultimate purchaser of the real property improvement is not taxable. On the other hand, if the property owner purchases the construction materials directly from the supplier for use by a third party contractor, it is the property owner and not the contractor who is liable for the sales tax. The following examples illustrate the difference.

- A homeowner hires a contractor to remodel the basement. Under a furnish and install agreement, the contractor purchases all building materials and installs them as part of the basement construction. The contractor must pay sales or use tax on the purchase of the building materials because the contractor is the last one to own the items before they are converted to real property. The contractor, in turn, sells the finished real property improvement to the customer. Since sales of real property improvements are not taxable, the contractor's charge to the homeowner is not taxable.
- A homeowner hires a contractor to remodel the basement. Under their agreement, the homeowner purchases all building materials and makes them available for use by the contractor. The homeowner must pay sales or use tax on the purchase of the building materials.
- A vendor sells and installs storm doors. The vendor also sells the doors to homeowners for do-it-yourself installation. In the first instance, a furnish and install contract, the vendor is acting as a real property contractor because he/she converts the door to real property. A real property contractor must pay sales or use tax on the purchase of the door, but charges to the homeowner are not taxable. In the second instance, the vendor may purchase the door tax free for resale, and must collect sales tax when the door is sold directly to the homeowner.
- A vendor who sells and installs wall-to-wall carpet is acting as a real property contractor and is liable for the sales tax on the purchases of materials installed. In the absence of evidence to the contrary, wall-to-wall carpet, once installed, is considered part of the realty because it is particularly adapted to the structure and it is generally affixed in a manner that suggests that it will remain in place over its useful life. If the vendor sells the carpeting to the homeowner for installation by the homeowner or some other party acting on behalf of the homeowner, the sale is taxable to the homeowner. Carpet tiles become part of real property after their installation and should receive the same tax treatment as sales of wall-to-wall and broad-loom carpet. Unattached floor coverings such as throw rugs or oriental carpets remain tangible personal property.
- Drapes, curtains, blinds and rods are generally considered to be personal property even when attached because the method of affixture is insufficient to convert these items to real property. However, a particular application may qualify as a conversion to real property if the method of attachment is sufficiently tied to some part of the building. For

instance, if automatic roller shades are installed in a track set into the window frame of an atrium, the attachment is an integral part of the window frame, and in turn an integral part of the realty. The vendor who sells and installs this type of shade is a real property contractor and is liable for sales tax on the vendor's purchase of the materials.

In each of these examples, the vendor or contractor is responsible for the sales or use tax on the purchase of an item the vendor sells and installs.

Incorrect Vendor Practices

A vendor that sells tangible personal property under a furnish and install contract may **not**:

1. collect sales tax on that tangible personal property;
2. offset the sales and use tax the vendor owes on its own purchase of the tangible property by any sales tax the vendor inappropriately collected on the sale of that property; or
3. show the tax due on the seller/installer's purchase of construction materials (or any amount labeled as tax, computed at the current tax rate, or that otherwise appears to be tax) as a separate item on an invoice or contract provided to the customer.

A vendor that inappropriately collects sales and use tax on property sold under a furnish and install contract is required by Utah law to remit that tax to the Tax Commission, unless the tax is refunded to the purchaser.

Items Not Converted to Real Property

The rules stated above do not apply to sales of items that remain tangible personal property even when attached. The sale of an item which remains personal property, even when affixed to real property, is taxable to the last purchaser.

If an item is attached merely for stability, convenience or any other temporary purpose, it is not converted to real property and the final purchaser is liable for the sales tax. For instance, a TV antenna or satellite dish does not become an integral part of the real property, even if attached to the purchaser's home and even if its wiring is dropped inside the house. These are the kinds of items that a property owner may remove from the premises upon sale of the property unless the seller and buyer agree that it remains with the property. If a homeowner purchases a satellite dish or antenna, sales tax is due on the homeowner's purchase, even if the seller installs the item. Here are some other examples of items that remain tangible personal property even when attached:

- Sales of qualifying **manufacturing machinery and equipment** are treated as sales of tangible personal property, even if the machinery or equipment is affixed in some fashion to real property. Sales of accessories essential to the manufacturing equipment and machinery, and sales of repair parts are also considered sales of tangible personal property. A person who meets the statutory definition of "manufacturer" can purchase or lease **manufacturing equipment** tax free upon delivering an exemption certificate to the vendor. Qualifying replacement equipment is eligible for an exemption.

As a general rule, gas, water, and electrical supply lines serving the manufacturing equipment will be viewed as real property because these systems usually also serve the general needs of the property where the manufacturing equipment is housed. For instance, the electrical system

that runs the manufacturing equipment is usually part of the system that turns on the lights and runs the office computers. The system is an integral part of the real property, and it is treated as real property for sales tax purposes. However, if separate service is installed solely for the operation of the equipment and operated through a separate meter, that is evidence that the system is an accessory to the equipment rather than a part of the realty.

Although sales of the manufacturing machinery and equipment are treated as sales of tangible personal property, taxation of charges for installation or repair labor depends upon the manner in which the item is affixed to real property. A discussion of installation and repair labor charges begins later in this booklet. The manufacturer's exemption is subject to the statutory provisions of Utah Code Section 59-12-104 and to the procedural provisions of Tax Commission Rule R865-19S-85. Copies of these documents can be obtained from the Tax Commission's website, or by request from the Tax Commission.

- **Trade fixtures** are items that benefit the trade or business conducted on the property. Unlike the real property fixtures discussed above, trade fixtures tend to be transient in nature. That is, the trade fixtures installed on commercial property may vary from one tenant to another without substantial alteration of the building, and the building itself is readily adaptable to multiple uses. For instance, assume that retail space in a strip mall is leased for use as a dress shop. The dress shop owner will likely install dress racks. If the same space is later leased for use as a shoe store, the dress racks will be replaced rather easily by shoe display racks. Neither the dress racks nor the shoe racks are an integral part of the underlying realty. Other examples of trade fixtures include barber chairs, dental chairs and physician tables.

An item installed to serve the trade or business may be considered part of real property if the building is specially adapted to accommodate the item. For instance, a grocery store is designed and specially built to accommodate refrigeration cases set into troughs built into the floor. As another example, a building may be specially designed to accommodate a hydraulic hoist that can be withdrawn beneath the floor when not in use. These items are treated as real property, and not as trade fixtures.

- **Utility lines or pipelines** are generally considered real property if installed underground or permanently attached over ground. Pipes that are not permanently attached over ground, such as pipes linking an oil well to a storage tank, are considered personal property because they can be moved without substantial damage to real property or the item itself. Taxability of purchases of other public or private utility line or pipeline materials should be determined on the basis of applicable tests in Administrative Rule R865-19S-58 indicating whether such materials constitute real property upon installation to the realty or remain tangible personal property.
- **Buildings** are considered real property if they are permanently attached to real property, such as a concrete foundation. Buildings that can be moved without substantial damage either to the structure or the underlying real property are deemed not "affixed to the land" and are considered personal property. Even if buildings are rarely, if ever, moved, they remain personal property unless they are affixed to the land.

- **Above-ground tanks** are usually considered personal property unless they are so attached to the real property that they become part of it. A tank is considered part of the underlying realty when removal of the tank would result in either 1) structural dismemberment of the tank, or 2) damage to the underlying real property. Property attached to tanks, such as insulation, is treated as tangible property unless the tank itself is considered real property and the property attached becomes an integral part of that real property. This rule applies to any tank that is tangible personal property, even if the tank subsequently becomes real property.

Sales of Construction Materials to Government Agencies and Religious or Charitable Organizations

See Tax Commission Rule R865-19S-58.

Sales of construction materials made directly to an agency of the **federal government** are exempt from sales tax if the federal agency makes direct payment to the vendor.

Sales of construction materials to an agency of the **State of Utah** or a local political subdivision of the State of Utah (such as a county or city) are exempt from sales tax if the agency makes direct payment to the vendor *and* the items are converted to real property by employees of the government entity. The purchaser must complete an exemption certificate for the vendor's tax records. No exemption is allowed for purchases by government entities of other states or countries.

Sales of construction materials to **public schools** or qualified **religious or charitable organizations** are tax exempt if purchased directly by the organization or purchased by a contractor on behalf of the organization. A contractor purchasing such materials should issue an exemption certificate (TC-721) to the material supplier. The certificate must identify the contractor as the purchaser claiming the exemption and the section for "Construction Materials Purchased for Schools or Religious and Charitable Organizations" must be completed. In the case of an audit, the contractor must be able to show through the contract, purchasing systems, job costing systems, etc. that the items purchased tax-free under the exemption certificate have been incorporated into the realty of the exempt institution.

Purchases by these entities give rise to confusion because there are actually two tax exemptions at work. The exemption for construction materials (items that will be converted to real property upon installation) described above allows the contractor to make the purchase on behalf of the institution. This exemption does not extend to items purchased by the institution that remain personal property even when affixed to real property. Such items may be purchased tax free by the exempt entity, so long as they are purchased directly by the institution and not the contractor. Consider the following examples:

- The public school enters an agreement with a contractor to add a wing to the existing building. Under the agreement, the contractor will purchase and install all building materials, including lockers and two display cases that will be installed in the hallway of the addition. For purposes of this example, assume that the addition is specially designed with a recess in the wall to accommodate the permanent attachment of built-in lockers and built-in display cases. In this example, the lockers and the display cases are items that will be converted to real property upon installation and the contractor may purchase them tax free on behalf of the school.

An exemption certificate must be completed by an authorized representative of the school or organization or by the contractor authorized to purchase construction materials on behalf of the school or organization.

- A public school needs more lockers to accommodate its increasing pupil population, so it asks a contractor to install two rows of free-standing lockers in the foyer. These lockers are not converted to real property upon installation. Therefore, they are not considered exempt construction materials that can be purchased by a contractor on behalf of the school. However, a contractor with a sales and use tax license may purchase the lockers tax free under the resale exemption and then sell them tax free to the school under the exemption for sales to government entities. The contractor must give a completed resale exemption certificate to the locker vendor and obtain a completed exemption certificate, purchase order, check or voucher from the school as evidence of the exemption.

Purchases of Construction Materials for Resale

A vendor may purchase construction materials for resale tax free and collect sales tax from the end consumer if the items are sold as tangible personal property. If construction materials are purchased tax free for resale, then converted to personal use or converted to real property under an installation contract, the purchaser must accrue and remit sales or use tax on the purchase price of the item. Some vendors engage in both types of transactions. Recall the previous example of the vendor who sells and installs storm doors, but also sells the doors directly to a customer for installation by someone else. If this vendor purchases all of the doors tax free, sales tax must be paid on the purchase of the doors that the vendor installs and converts to real property. Tax must be accrued on the purchase of the doors and remitted with the sales tax return. Additionally, sales tax must be collected and remitted on the sale of any doors that are sold directly to the end customer.

Tax Commission Rules R865-19S-58 and R865-19S-60 govern the sale of construction materials, fixtures and trade fixtures.

Installation of the Item

Charges for labor to install an item of personal property are taxable unless the item is installed in connection with real property. This is true even if the item is not actually converted to real property. The exemption for installation charges only applies if the charges are separately stated on the invoice. The following examples illustrate this point:

- An installer sets up of a piece of manufacturing equipment, screws it into the floor and hard wires it into the building's electrical system. Although the connection may not be sufficient to convert the equipment to realty, the equipment is installed in connection with real property and the installation charges are exempt if separately stated. If the equipment is merely plugged into an electrical outlet, the connection to the realty is not sufficient for purposes of this exemption.
- A vendor sells and installs a satellite dish. The dish is installed by affixing it to the customer's home and running wire into the house. Although the satellite dish is not converted to real property, charges for labor to install an item to real property are not taxable if separately stated. In this case, the sale of the dish is taxable (because it is a sale of tangible personal property), but the labor charges associated with installation are not subject to tax.

- A vendor sells and installs insulation on above ground pipes. Because the above ground pipes are considered tangible personal property, the charges for the insulation and installation are taxable, even if separately stated on the invoice.

Charges to fabricate a finished item of tangible personal property are not tax exempt as installation charges, and such charges must be included in the amount upon which tax is calculated. For example, construction materials are assembled to create a prefabricated section of fence which will be sold through a home improvement center. The finished prefabricated section is, itself, an item of tangible personal property and the sales tax is calculated on the total sales price of the finished prefabricated section, including labor and materials.

Tax Commission Rule R865-19S-78 governs sales tax on installation charges. Tax Commission Rule R865-19S-51 governs fabrication.

Repair, Washing or Cleaning of the Item

Sales tax applies to charges for labor and parts to repair, wash or clean an item of tangible personal property. If the item has been converted to real property or affixed to real property so as to be treated as real property, the charges for repair labor are not taxable. However, the repairman is considered a real property contractor for purposes of determining liability for sales tax on the parts for items that are converted to real property upon installation. That is, the repairman must accrue and remit sales or use tax on the purchase of the repair parts and materials that are converted to real property upon installation. The repairman must collect sales tax on repair parts that are sold as tangible personal property, unless some other exemption applies.

This area of sales tax law tends to be confusing because the repairman is required to make a distinction between taxable and nontaxable labor charges based on the reason that an item is affixed to real property or the manner in which it is installed. In general, the distinction depends on the following:

- Fixtures, trade fixtures, equipment and machinery permanently attached to real property are treated as real property while so attached, but revert to personal property when severed or disconnected from the real property.

“Permanently attached” means:

- attachment is essential to the operation or use of the item, and
- the manner of attachment suggests that the item will remain affixed in the same place over the useful life of the item or that removal will cause substantial damage to the item itself or require substantial alteration or repair of the structure to which it is affixed.

“Useful life” does not mean perpetual. An article may be considered permanently affixed over its useful life if it is incorporated into realty with the intention that it remain until it is worn out, superseded by new technology, or until the property is converted to another use.

Consider the following examples:

- A repairman services a self-contained air conditioning unit that is mounted in a window of a home. It is not plumbed into the building's water supply (like a swamp cooler), or operated in connection with the building's water supply and furnace (like central air). The home-

owner merely puts the unit in a window and plugs it in. For stability, the homeowner attaches it to the window frame with screws and brackets. This air conditioning unit is not “permanently attached” within the meaning of the repair rule. It is screwed to the window frame solely for stability, and attachment is not necessary for its proper operation. It can be moved easily from one window to another, and removal will not cause substantial damage to the air conditioning unit or the window frame. The air conditioner is considered tangible personal property, and labor charges to service the air conditioner are taxable. Charges for parts are taxable to the homeowner.

- A repairman services a portable refrigeration case in a grocery store. The store manager positions the case in an aisle near an electrical outlet. It may be shifted easily from place to place as the need arises, but when it is in use it is screwed into the floor so it will not fall or move if a shopper bumps it. The case is not permanently attached within the meaning of the repair rule, and charges for labor to repair it are taxable. The repairman must collect sales tax on charges to the customer for repair parts.
- A repairman services a refrigeration case that serves as a built-in meat counter in a grocery store. It is affixed by its attachment to plumbing, electrical supply and troughs and drain systems which are built into the floor. In fact, the building was specifically engineered to accommodate the case. Its attachment to the store's plumbing, electrical system and the floor drainage system is essential to proper operation. To move or remove it will result in substantial remodeling or repair to the building. The case is permanently attached within the meaning of the repair rule, so it is considered real property. Charges for labor to repair the case are not taxable. Any repair parts used will be converted to real property upon installation, so the repairman, as a real property contractor, is liable for the tax on the purchase of parts. The repair transaction between the repairman and the customer is not taxable.
- If an item is attached to real property so that it is treated as real property under the repair rule, its accessories are also treated as real property if they are essential to the operation of the item and installed solely to serve the operation of the item. In the previous example of the refrigerated meat case, the case is treated as real property under this rule. The compressor, control panels, water supply lines and electrical supply lines that serve the case are also treated as real property. The repairman treats the entire system as a unit.
- An item that is attached to real property so that it is treated as real property under the repair rule may be temporarily detached from real property for on-site repairs without losing its real property status. If the item is moved from the site temporarily or permanently, it reverts to personal property and off-site repairs are taxable. Referring again to the example of the refrigerated meat case, if the repairman temporarily detaches the case from the floor for an on-site repair, labor charges are non-taxable. If the case must be removed from the site and repaired off-site (e.g. in the repairman's shop), the repair is considered a repair to tangible personal property and the entire charge for parts and labor is taxable.

Tax Commission Rule R865-19S-78 governs sales tax on labor for repairs. Rule R865-19S-58 governs sales tax on parts.

It is impossible to cover in the rules or this publication all of the kinds of property that are subject to repair. The following table contains examples to help you better understand the distinction between taxable charges for sales, installation and repair. For purposes of the sale, if the item is converted to real property, the contractor accrues and remits sales or use tax on the purchase price of the materials. The transac-

tion between the contractor and the final purchaser of the real property improvement is not taxable. With regard to repairs, if the item is treated as real property, it is the repairman who accrues and remits sales or use tax on parts and supplies. The transaction between the contractor and the property owner is not taxable.

Examples

Item	Sale of Items & Repair Parts	Installation Charge	Repair Labor Charges
Overhead crane (industrial plant)	Treat as sale of personal property taxable to the property owners as final purchaser unless the crane is installed as part of the building construction process and the building is specially adapted to its use. In these cases, treat as construction materials.	Nontaxable if actually affixed to the real property rather than merely set in a track.	Nontaxable if actually affixed in a manner that suggests it will remain over its useful life, or if the building itself is specially designed to accommodate the crane.
Construction crane	Treat as sale of personal property taxable to the final purchaser.	Nontaxable if the crane is affixed to real property.	Taxable. The item is not designed to remain at one site over its useful life.
Printing Press	Treat as sale of personal property taxable to the final purchaser.	Nontaxable if hard-wired or affixed to the building.	Nontaxable if manner of affixture indicates that attachment is necessary for operation of the press, and the press cannot be moved or adapted to other locations.
Underground tank installed under "sell and install" contract	Treat as construction materials taxable to the contractor.	Nontaxable.	Nontaxable.
Underground tank sold for installation by someone other than the vendor or the vendor's installer	Treat as personal property taxable to the purchaser.	Nontaxable.	Nontaxable.
ATM machine	Treat as construction materials taxable to the contractor if incorporated into the building. Free-standing ATM machines are treated as personal property and are taxable to the final purchaser.	Nontaxable if attached to real property.	Nontaxable if incorporated into the building. Taxable if free-standing or attached merely for stability or convenience.
Lockers	Free-standing lockers are treated as personal property. Lockers built into the recess of a wall specially built to accommodate them are treated as real property.	Nontaxable if attached to the building.	Nontaxable if incorporated into the building. Taxable if free-standing or attached merely for stability or convenience.
Portable building	Treat as real property taxable to the contractor if permanently attached to a foundation. Treat as personal property taxable to the final purchaser if free-standing or left on wheels or skids.	Nontaxable if attached to a foundation, pad or real property. Taxable if left free-standing.	Nontaxable if attached to a foundation, pad or real property. Taxable if left on wheels, skids or free-standing.
Lathe (manufacturing facility)	Treat as personal property taxable to the final purchaser.	Nontaxable if affixed to real property.	Nontaxable if the attachment is essential to the operation of the lathe and manner of affixation suggests it is intended to remain in the same place over its useful life.
Theater seats	Treat as real property taxable to the contractor if attached as part of the construction process and if building is specially designed to accommodate the seats.	Nontaxable if affixed.	Nontaxable if the building was specially adapted to accommodate the seating and the manner of attachment suggests the seating is intended to remain in the same place over its useful life.
Conveyor belt (manufacturing facility)	Treat as personal property taxable to the final purchaser.	Nontaxable if affixed to the building or real property.	Nontaxable if attachment suggests that the item will remain in place over its useful life and attachment is necessary to the operation of the equipment and not merely for stability.

Item	Sale of Items & Repair Parts	Installation Charge	Repair Labor Charges
Safety deposit boxes	A bank of safety deposit boxes built into a recess in the wall is treated as real property taxable to the contractor.	Nontaxable if affixed to the building.	Nontaxable if built into the building. Taxable if free-standing.
Bank vault	Treat as real property taxable to the contractor unless free-standing.	Nontaxable if affixed to the building.	Nontaxable if built into the building or if the building specially constructed to accommodate the vault. Taxable if free-standing.
Elevators	Treat as real property taxable to the contractor.	Nontaxable.	Nontaxable.
Cable TV cable	Generally treat as real property of the cable company (like utility lines).	Nontaxable.	Nontaxable.
Dock leveler	Treat as real property taxable to the contractor if constructed as part of the dock and the dock is part of realty. Treat as personal property taxable to the final purchaser if merely fastened or attached to the dock after the fact.	Nontaxable if affixed to the dock, the building or the ground.	Nontaxable if attachment suggests that the leveler is a permanent affixture and attached in a manner that suggests it will remain in place over its useful life.
Restaurant oven/grill	Built-in appliances are treated as real property fixtures and taxable to the contractor. Free-standing appliances are treated as personal property taxable to the final purchaser.	Nontaxable if built in or affixed (other than merely plugging it in).	Nontaxable if built-in appliance. Taxable if free-standing or attached merely for stability or convenience.
Oil drilling rig	An oil well casing is treated as real property, but a drill rig that is designed to be moved from one location to another is treated as personal property taxable to the final purchaser.	Nontaxable if affixed to the wall, a foundation, a pad or the ground.	Taxable.
Hot tub	Treat as personal property taxable to the final customer if portable or free-standing. If permanently built into the building or the ground, it is treated as real property taxable to the contractor.	Nontaxable if affixed to a building, deck, patio, gazebo or ground.	Taxable unless permanently incorporated into the building, such as a tub recessed into the floor.
Automated pool cover	In the case of an in-the-ground pool, the automated cover is treated as real property if built in and specially adapted to the pool. A portable pool cover or a cover for an unattached, above-ground pool is treated as personal property taxable to the final purchaser.	Nontaxable if affixed to an in-the-ground pool or otherwise affixed to real property.	Nontaxable if the cover is built in and specially adapted to an in-the-ground pool and affixture is necessary for the proper operation of the cover.
Wall-to-wall carpet	Treat as real property taxable to the seller, if sold under furnish-and-install contract. If sold to the buyer for installation by someone other than the seller or someone working on the seller's behalf, treat as personal property taxable to the final purchaser.	Nontaxable.	Nontaxable.
Above-ground pipes that are not permanently attached	Treat as personal property taxable to the final purchaser.	Taxable unless affixed to real property.	Taxable.